

CHAPTER 10

HEALTH AND SAFETY

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Part 1

Abandoned or Junked Vehicles

§101. Definitions.

ABANDONED VEHICLE - a vehicle shall be presumed to be abandoned under this Part if any one (1) or more of the following criteria are present:

A. The vehicle is legally or physically inoperable.

B. The vehicle does not bear all of the following: a valid registration certificate and license plate, a valid certificate of inspection, a valid insurance card, and an ascertainable vehicle identification number.

C. The vehicle has been left unused, unmoved or unattended for a period of ten (10) days or more after notice to the owners of the vehicle or to the owner or tenant to the property upon which it is stored.

D. A mobile or modular style home or structure that has not been occupied for a period of at least one (1) year or more or for which the owner has no certificate of title.

E. The vehicle or mobile or modular structure is so unsightly or blighted as to create a nuisance for surrounding property owners.

BOROUGH - the Borough of Shamokin Dam, Pennsylvania.

JUNKED VEHICLE OR JUNKED MOTOR VEHICLE - worn out, discarded, incapable of operation under its own power, useful only for parts or salvage, uninspected, unlicensed by the Commonwealth of Pennsylvania or cannot be legally operated.

MOTOR VEHICLE - any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorhomes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-the-road vehicles.

MOTOR VEHICLE ACCESSORIES - any part or parts of any motor vehicle.

NOTICE OF REMOVAL -

A. Notice to the owner means a written statement signed by any member of the Borough Police Department or the Borough Secretary and taped to some portion of a vehicle, motor vehicle, vehicle accessories or motor vehicle accessories which declares the intention of the Borough to treat that vehicle, motor vehicle, vehicle accessories or motor vehicle accessories as abandoned or junked. Whenever a person signing the statement knows the identity and whereabouts of the owner of said vehicle, motor vehicle, vehicle accessories or motor vehicle accessories, a copy of the statement shall also be handed to him personally,

or sent to him by certified mail in order to constitute notice.

B. Notice to the owner or tenant of private property means a written statement personally served on said owner or tenant of private property or sent to said owner or tenant by certified mail.

PERSON - any individual, firm, partnership, or corporation.

REMOVAL - the physical relocation of a vehicle, motor vehicle, vehicle accessories or motor vehicle accessories to an authorized location.

STORAGE - parking, keeping, leaving or allowing an abandoned or junked vehicle, motor vehicle, vehicle accessories or motor vehicle accessories to rest in one place for a period of ten (10) days or longer.

VEHICLE - in addition to a motor vehicle, a vehicle includes a trailer or mobile home or modular structure even if said mobile home is no longer mobile or if it is used for storage, and any vehicle required to be licensed by the Pennsylvania Department of Motor Vehicles.

(Ord. 05-7, 12/5/2005, §1)

§102. Prohibited Storage. It shall be unlawful for any person owning or having custody of any abandoned or junked vehicle, motor vehicle, vehicle accessories or motor vehicle accessories to store or permit any such vehicle or accessories or motor vehicle or motor vehicle accessories to remain on any private property within the Borough for a period of more than ten (10) days after the expiration of the ten (10) day period following receipt of a notice requiring such removal, and it shall be further unlawful for any person owning or leasing any private property in the Borough to store or to permit to remain any such vehicles or accessories on his property for more than a like period. It shall be further unlawful to store such vehicle or accessories upon any portion of the right-of-way of any street or alley within the Borough or other public property. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this Part.

It shall be unlawful for any person, after notification to remove any junked or abandoned vehicle, motor vehicle, vehicle accessories or motor vehicle accessories from private property, public property or public right-of-way has been given, to move the same to any other private property upon which such storage is not permitted or onto any public right-of-way or other public property for purposes of storage.

This Section shall not apply to any vehicle, motor vehicle, vehicle accessories or motor vehicle accessories stored within an enclosed building or within an area enclosed by a solid wall or fence at least six (6) feet high.

(Ord. 05-7, 12/5/2005, §1)

§103. Abatement of Nuisance. The owner of any abandoned or junked vehicle, motor vehicle, vehicle accessories or motor vehicle accessories or the owner or tenant of any land within the limits of the Borough of Shamokin

Dam whereon an abandoned or junked vehicle, motor vehicle, vehicle accessories or motor vehicle accessories are stored shall remove said abandoned or junked vehicles, motor vehicles, vehicle accessories or motor vehicle accessories within ten (10) days after notice of the Borough's intention to treat said vehicle or motor vehicle as abandoned or junked and an order to remove same or an order to remove vehicle accessories or motor vehicle accessories, in default of which the Borough may cause the abandoned or junked vehicle, motor vehicle, vehicle accessories or motor vehicle accessories to be removed and collect the cost of removal, together with a penalty of ten (10) percent of such cost, in the manner provided by law for collection of municipal claims, or by action of assumpsit, or the Borough may seek relief by an action in equity. (Ord. 05-7, 12/5/2005, §1)

§104. Notice of Removal. Such notice of removal shall contain the following information:

- A. Nature of complaint.
- B. Description and location of the vehicle, motor vehicle, vehicle accessories and/or motor vehicle accessories.
- C. Statement that the vehicle, motor vehicle, vehicle accessories or motor vehicle accessories will be removed from the premises no later than ten (10) days from the date of notification.
- D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties.
- E. Statement that if removal is made within the time limits specified, notification shall be given in writing to the Borough Police.
- F. Statement of the penalties provided for noncompliance with such notice.

(Ord. 05-7, 12/5/2005, §1)

§105. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate violation. (Ord. 05-7, 12/5/2005, §1)



## Part 2

## Weeds Control

§201. Nuisance Declared. The uncontrolled growth of grass, weeds and other similar vegetation not planted for some useful or ornamental purpose on lands within the Borough of Shamokin Dam creates fire hazards, provides breeding places for insects and rodents, and is detrimental to the health, cleanliness, comfort and safety of the citizens of the Borough of Shamokin Dam and is, therefore hereby declared to be a nuisance. For the purpose of this Part the growth of grass, weeds and other similar vegetation shall be deemed to be uncontrolled when the average height thereof above ground is ten (10) inches or more. (Ord. 78-3, 7/3/1978, §422.01, as amended by Ord. /9-8, 7/2/1979, §201)

§202. Prohibition. No owner of lands within the Borough of Shamokin Dam shall permit grass, weeds or other similar vegetation not planted for some useful or ornamental purpose to grow uncontrolled or to remain upon his lands. (Ord. 78-3, 7/3/1978, §422.02)

§203. Abatement of Nuisance. The owner of any lands within the Borough of Shamokin Dam who violates the prohibitions of §202 hereof shall be given written notice to cut and remove the grass, weeds and other similar vegetation within then (10) days after receipt of the notice. No notice shall be required to be sent for second and subsequent violations in the same year. If the owner fails to so cut and remove, the Borough of Shamokin Dam, or some person or person designated by it, may cut and remove the grass, weeds and other similar vegetation from thereon-complying owner's lands within the Borough and the cost of so doing shall be collected from said owner in a summary proceeding before a district justice. (Ord. 78-3, 7/3/1978, §422.03)

§204. Multiple Offenses. Each day that any owner shall violate the prohibitions of §202 hereof shall constitute a separate offense under this Part. (Ord. 78-3, 7/3/1978, §422.04)

§205. Penalties. Any person, firm or corporation who shall violate any provisions of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not less than ten (\$10.00) dollars nor not more than three hundred (\$300.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 78-3, 7/3/1978, §422.99, as revised by Ord. 88-3, 10/17/1988)



Part 3

Outdoor Fuel Burning Appliances

§301. Purpose and Scope.

1. Residences, commercial and industrial establishments situated within the Borough are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior areas within densely populated area.

2. Research indicates that outdoor fuel burning appliances cause emission problems that cross property lines. Because the smoke stays close to the ground, it can easily reach humans working or playing outdoors or penetrate neighboring buildings. It also causes problems with smoke visibility. The low lying smoke can worsen cardiovascular problems such as angina, irritate eyes and lungs, trigger headaches, worsen respiratory diseases such as asthma, emphysema and bronchitis.

(Ord. 08-6, 12/8/2008, §1)

§302. Definitions.

CHIMNEY - any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor heating device, especially that part of such structures extending above a roof.

OUTDOOR FUEL BURNING APPLIANCE - a device including any furnace, stove or boiler designed and constructed to burn oil, wood, coal or other fuels manufactured for placement outside of the structure for the heating of the living area of the structure.

(Ord. 08-6, 12/8/2008, §2)

§303. Regulations for New Outdoor Fuel Burning Appliances.

1. Any new outdoor fuel burning appliance must have or meet the following:

- A. A safe flue or chimney which has a minimum termination height of twenty (20) feet above the natural ground level upon which the appliance is located.
- B. A "scrubber" or filter type system attached to the appliance.
- C. A fan or blower attached to the appliance to increase the efficiency of the appliance.
- D. Be located not less than one hundred (100) feet from any property line.

2. All outdoor fuel burning appliances are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

3. All outdoor fuel burning appliances shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and

the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

4. The owner of the outdoor fuel burning appliance shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Part.

5. No homemade outdoor fuel burning appliances will be allowed.

6. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces. The burning in outside furnaces of processed wood products and non-wood products, household or other garbage, recyclable material, rubber tires, railroad ties, leaves, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically and in writing permitted by the manufacturer is prohibited.

7. A permit must be acquired prior to the installation of any outdoor furnace appliance, and an inspection completed prior to the operation of subject appliance. A permit fee as established by Resolution of the Borough Council shall be paid, and an inspection completed by a representative of the Borough.

8. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with your trash.

9. All outdoor fuel burning appliances may only be utilized for the sole purpose of furnishing heat to a residence and hot water during the period of October 1 through April 30; and only if the outdoor fuel burning appliance meets the requirements of this Part.

10. If an outdoor fuel burning appliance is more than fifty percent (50%) torn down, physically deteriorated or decayed, the appliance must be removed and/or replaced with a new unit.

11. All storage of materials being burnt in the outdoor fuel burning appliance shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease carrying rodents.

(Ord. 08-6, 12/8/2008, §3)

§304. Regulations for Existing Outdoor Fuel Burning Appliances.

1. All outdoor fuel burning appliances are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

2. All outdoor fuel burning appliances shall be operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

3. All outdoor fuel burning appliances in existence at the effective date of this Part shall, within ninety (90) days of the effective date of this Part, have or must erect a safe flue or chimney which has a minimum termination height of twenty (20) feet above the natural ground level upon which the appliance is located.

4. All outdoor fuel burning appliances in existence at the effective date of this Part shall, within ninety (90) days of the effective date of this Part, have or must install a "scrubber" or filter type system attached to the appliance.

5. All outdoor fuel burning appliances in existence at the effective date of this Part shall, within ninety (90) days of the effective date of this Part, have or must install fan or blower to increase the efficiency of the appliance.

6. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces burning in outside furnaces of processed wood products and non-wood products, household or other garbage, recyclable material, rubber tires, railroad ties, leaves, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically and in writing permitted by the manufacturer is prohibited.

7. All outdoor fuel burning appliances may only be utilized for the sole purpose of furnishing heat to a residence and hot water during the period of October 1 through April 30; and only if the outdoor fuel burning appliance meets the requirements of this Part.

8. If an outdoor fuel burning appliance is more than fifty percent (50%) torn down, physically deteriorated or decayed, the appliance must be removed and/or replaced with a new unit and the new unit must comply with all of the regulations listed in §303 of this Part.

9. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with your trash.

10. All storage of materials being burnt in the outdoor fuel burning appliance shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease carrying rodents.

(Ord. 08-6, 12/8/2008, §4)

§305. Enforcement. It shall be the duty of the Borough Police Department and/or Code Enforcement Officer to enforce the terms of this Part and secure compliance with the requirements thereof. (Ord. 08-6, 12/8/2008, §5)

§306. Penalties. Any person, firm or corporation who shall violate any provision of this Part, shall upon conviction thereof be sentenced to pay a fine of not more than five hundred dollars (\$500.00) and in default of payment of said fine, to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues, shall constitute a separate offense. (Ord. 08-6, 12/8/2008, §6)

§307. Effective Date. This Part shall take effect January 1, 2009. (Ord. 08-6, 12/8/2008, §7)

